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September 28, 1955

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Mr. Stuart B. Wilkins, Business Manager
Division of Business Management
State Department of Health
17 Capitol Street
Concord, New Hampshire

SEP 22 1998

CONCORD, N.H.

Dear Mr. Wilkins:

You have inquired as to the significance of the double asterisk as it appears after the item "Convalescent care and clinics" under "Maternal and child health and crippled children's services: state" found in the current budget, Chapter 338 of the Laws of 1955. The asterisks refer to the footnote requiring the division of investigation of accounts to investigate the ability to pay of patients and those legally chargeable for their support and maintenance and authorizes collection of expenses of care, treatment or maintenance by action in the name of the state.

It is my opinion that the duty imposed by this footnote is limited to expenses for care, treatment and maintenance expended under the line item "Convalescent care and clinics." It is this item that is asterisked and had a broader application been intended the footnote could have clearly been referred to the entire program of maternal and child health and crippled children's services by appropriate placement of the asterisk after this heading.

You have further inquired whether the class of persons legally chargeable for the support and maintenance of the patients should be governed by the law applicable to the division of investigation of accounts RSA 8:41 (RL 2)-A:23 as inserted by Laws 1951, 250:1) or by the general pauper law

C O P Y

Mr. Stuart B. Wilkins -- 2.

September 28, 1955

RSA 165:19 (RL 124:18). Inasmuch as the footnote imposes additional duties upon the division and uses language found in the above-mentioned chapter respecting the division, it is my opinion that the class chargeable would be that normally chargeable for services rendered in institutions serviced by the division.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD:L